

SENATE BILL No. 41

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-3-1.

Synopsis: Misdemeanor probation. Specifies that the authority of a court to suspend the sentence for a misdemeanor and place the convicted person on probation for up to one year applies to persons convicted of any class of misdemeanor.

Effective: July 1, 1999.

Ford

January 6, 1999, read first time and referred to Committee on Judiciary.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 41

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-50-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The court may
3 suspend any part of a sentence for a misdemeanor.
4 (b) Except as provided in subsection (c), whenever the court
5 suspends a sentence for a **Class A, Class B, or Class C** misdemeanor,
6 it may place the person on probation under IC 35-38-2 for a fixed
7 period of not more than one (1) year.
8 (c) Whenever the court suspends a sentence for a misdemeanor, if
9 the court finds that the use or abuse of alcohol, drugs, or harmful
10 substances is a contributing factor or a material element of the offense,
11 the court may place the person on probation under IC 35-38-2 for a
12 fixed period of not more than two (2) years. However, a court may not
13 place a person on probation for a period of more than twelve (12)
14 months in the absence of a report that substantiates the need for a
15 period of probation that is longer ~~that~~ **than** twelve (12) months for the
16 purpose of completing a course of substance abuse treatment. A
17 probation user's fee that exceeds fifty percent (50%) of the maximum



- 1 probation user's fee allowed under IC 35-38-2-1 may not be required
- 2 beyond the first twelve (12) months of probation.

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